



PATENT APPLICATION

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In re application of

Docket No: Q68142

Tatsuki SHIOTA, et al.

Appln. No.: 10/031,698

Group Art Unit: 1614

Confirmation No.: 8252

Examiner: S. Wang

Filed: January 23, 2002

For: CYCLIC AMINE CCR3 ANTAGONIST

### RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement, dated June 25, 2003, Applicants elect Group II, claim(s) 1-3, 7-11, drawn to a pharmaceutical composition comprising the compound of formula (1), where  $k+m=3$  for examination.

The election is made with traverse. The Examiner states that the inventions of the five groups do not relate to a single inventive concept, because they lack the same or corresponding special technical features in that the compounds are each structurally distinct.

In response, applicants note that the claims are directed to compositions of matter having CCR3 antagonistic activity. The compounds in the compositions can be represented by a single formula - formula (I). The CCR3 antagonistic activity and the fact that the compounds can be represented by a single formula are both common technical features.

Accordingly, the Examiner is requested, respectfully, to reconsider and remove the restriction requirement.

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In response to the election of species requirement, Applicants elect compound No. 2296.  
Claims 1, 2, and 7-11 read on the elected species.

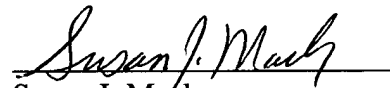
Applicants submit that if any of the elected claims is found to be allowable, claims dependent therefrom should be similarly be considered allowable in the same application.

Applicants reserve the right to file a Divisional Application directed to non-elected claims.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: July 25, 2003